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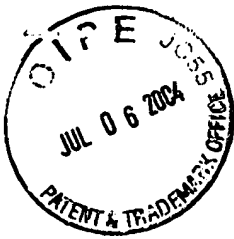
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Huang et al.

Serial No.: 10/721,126

Group Art Unit: 2812

Filed: November 25, 2003

Examiner: Not Assigned

For: Mask Layer And Dual Damascene  
Interconnect Structure In A Semiconductor Device

REQUEST FOR RECONSIDERATION OF PETITION UNDER 37 C.F.R. §1.47(a)

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This paper is submitted in response to the Decision Refusing Status Under 37 C.F.R. 1.47(a) (the "Decision") mailed on April 2, 2004. In support of this response, Applicant submits a declaration by Shirley Goff, a new oath and declaration executed by joint inventor, Joshua Jia Li, and a substitute page 4 for the original oath and declaration executed by joint inventor Isaiah O. Oladeji.

In addition, Applicant submits a Request for Extension of Time to respond to the Decision for one month through July 2, 2004, an extension fee as required by 37 CFR 1.136(a) and a petition fee as required by 37 CFR 1.47(a).

The Applicant also submits a Patent Application Information Retrieval ("PAIR") record for U.S. Patent application 10/026,257, now abandoned, attached as Exhibit "A."

The Applicant originally filed its application (the "Application"), Serial No. 10/721,126 on November 25, 2003 as a continuation of a prior application (the "Prior Application"), Serial No. 10/026,257, abandoned on March 19, 2004. The Application was filed with a declaration naming Robert YS Huang, Scott Jessen, Subrahmanian

Karthikeyan, Joshua Jia Li, Isaiah O. Oladeji, Kurt Geroge Steiner, and Joseph Ashley Taylor as joint inventors and signed by all joint inventors, except Li, on behalf of themselves and Li. In addition, the declaration contained non-initialed/non-dated alterations for joint inventor Oladeji.

A petition (the "Petition") was filed with the application on November 25, 2003 asserting that non-signing joint inventor Joshua Jia Li is unavailable for signing the declaration. The Petition included a declaration by Mary V. Carter attesting to efforts made to locate inventor Li. The Petition was a copy of a petition filed in the Prior Application.

The Office of Petitions dismissed Applicant's Petition on the basis that the statements made in the declaration of Mary V. Carter did not illustrate diligent effort was made to locate inventor Li. In addition, the Petition was dismissed because the declaration did not comply with 35 USC 115 and 116. Specifically, Isaiah O. Oladeji made changes to the declaration without initialing and dating the changes. The Petition was also dismissed for lacking a petition fee of \$130. The Dismissal also required a copy of a decision (the "Prior Decision") granting status under 37 CFR 1.47 for the Prior Application.

As set forth in the declaration of Shirley Goff, an oath and declaration was submitted to Mr. Li with a copy of the application, including the specification, drawings and claims, as originally filed on November 25, 2003. Mr. Li executed the declaration and faxed a copy of the page of the oath and declaration that he signed, including an initialed correction to his address. The new oath and declaration is attached to the declaration of Shirley Goff.

With regard to joint inventor Oladeji, a substitute page of the oath and declaration, including a corrected address, was forwarded to Mr. Oladeji for his signature. The substitute page of the oath and declaration, signed by Mr. Oladeji, is attached herein.

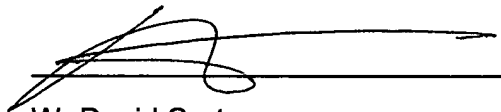
Applicants submit that the declaration by Shirley Goff, the new oath and declaration executed by joint inventor, Joshua Jia Li, and the substitute page for the original oath and declaration executed by joint inventor, Isaiah O. Oladeji obviate the

deficiencies in the originally signed oath and declaration submitted on November 25, 2003.

With regard to the Dismissal's request to provide a copy of the Prior Decision granting status under 37 CFR 1.47 in the Prior Application, the applicants respectfully submit that they never received the Prior Decision. A thorough search of the file did not uncover the Prior Decision, nor was receipt of the Prior Decision docketed. Furthermore, the PAIR record for U.S. Patent application 10/026,257, shown in Exhibit A, fails to show mailing of any decision granting status in the file history. Consequently, the Applicants cannot provide the requested Prior Decision because the Applicants never received the Prior Decision.

Accordingly, the Applicants request the Office of Petitions to withdraw its dismissal.


Respectfully submitted,

A handwritten signature in black ink, appearing to read 'W. David Sartor', is written over a horizontal line.

W. David Sartor  
Reg. No. 50,560  
Beusse Brownlee Wolter Mora & Maire, P.A.  
390 N. Orange Avenue, Suite 2500  
Orlando, FL 32801  
(407) 926-7724

Certificate of Mailing

I hereby certify that a true and correct copy of the above and foregoing Request for Reconsideration of Petition was furnished by First Class Mail to Mail Stop Petition, Commissioner for Patents, Post Office Box 1450, Alexandria, Virginia 22313-1450, this 2nd day of July, 2004.



Shirley Goff



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Huang et al.

Group Art Unit: 2812

Serial No.: 10/721,126

Filed: November 25, 2003

Examiner: Not Assigned

For: Mask Layer And Dual Damascene  
Interconnect Structure In A Semiconductor Device

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**DECLARATION OF SHIRLEY GOFF**

1. My name is Shirley Goff, and I am a resident of Orange County, Florida, and I am at least 18 years of age.
2. I am employed as a Legal Assistant for the law firm of Beusse, Brownlee, Wolter, Mora, and Maire, P.A., attorneys for the Applicants.
3. In response to the Office of Petition's dismissal of Applicants' petition filed under 37 C.F.R. 1.47(a) for acceptance of an oath and declaration not signed by an inventor, I was able to locate the inventor, Mr. Joshua Jia Li. I spoke with Mr. Li on July 1, 2004, and advised him that I had mailed a copy of the application as originally filed with a new oath and declaration for his signature on June 9, 2004.
4. On July 1, 2004, I emailed a copy of the application, as originally filed on November 25, 2003 with the new oath and declaration for his signature, and requested that he sign the oath and declaration and return the signature page of the oath and declaration to me by fax.

5. Mr. Li complied with my request and faxed the signature page of the new oath and declaration to our office on July 1, 2004. The signature page included an address correction initialed and dated by Mr. Li.

6. Attached to my declaration is a true and correct copy of the new oath and declaration, including the signature page signed by Mr. Li.

Signed at Orlando, Florida, this 2nd day of July, 2004.

  
SHIRLEY GOFF

IN THE UNITED STATES  
PATENT AND TRADEMARK OFFICE

Declaration and Power of Attorney

As the below named inventors, we hereby declare that:

Our residence, post office address and citizenship are as stated below next to our name.

We believe we are the original, first and sole inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled **A MASK LAYER AND INTERCONNECT STRUCTURE FOR DUAL DAMASCENE FABRICATION OF A SEMICONDUCTOR DEVICE** the specification of which is attached hereto.

We hereby state that we have reviewed and understand the contents of the above identified specification, including the claims, as amended by an amendment, if any, specifically referred to in this oath or declaration.

We acknowledge the duty to disclose all information known to us which is material to patentability as defined in Title 37, Code of Federal Regulations, 1.56.

We hereby claim foreign priority benefits under Title 35, United States Code, 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

None

We hereby claim the benefit under Title 35, United States Code, 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, 112, we acknowledge the duty to disclose all information known to us to be material to patentability as defined in Title 37, Code of Federal Regulations, 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

None

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.



We hereby appoint the following attorney(s) with full power of substitution and revocation, to prosecute said application, to make alterations and amendments therein, to receive the patent, and to transact all business in the Patent and Trademark Office connected therewith:

Lester H. Birnbaum	(Reg. No. 25830)
Richard J. Botos	(Reg. No. 32016)
Gerard A. deBlasi	(Reg. No. 34149)
Anthony Grillo	(Reg. No. 36535)
Mark A. Kurisko	(Reg. No. 38944)
Robert P. Marley	(Reg. No. 32914)
Scott W. McLellan	(Reg. No. 30776)
Geraldine Monteleone	(Reg. No. 40097)
Scott J. Rittman	(Reg. No. 39010)
Ferdinand M. Romano	(Reg. No. 32752)
David L. Smith	(Reg. No. 30592)
John P. Veschi	(Reg. No. 39058)

We hereby appoint the attorney(s) on ATTACHMENT A as associate attorney(s) in the aforementioned application, with full power solely to prosecute said application, to make alterations and amendments therein, to receive the patent, and to transact all business in the Patent and Trademark Office connected with the prosecution of said application. No other powers are granted to such associate attorney(s) and such associate attorney(s) are specifically denied any power of substitution or revocation.

Full name of sole inventor (or 1<sup>st</sup> joint inventor): Robert YS Huang

Inventor's signature \_\_\_\_\_ Date \_\_\_\_\_

Residence: 2236 Blackjack Oak Street  
Ocoee, FL 34761

Citizenship: USA

Post Office Address: 2236 Blackjack Oak Street  
Ocoee, FL 34761

3

Huang 3-8-3-2-2-25-5

Full name of sole inventor (or 2<sup>nd</sup> joint inventor): Scott Jessen

Inventor's signature \_\_\_\_\_ Date \_\_\_\_\_

Residence: 6622 Banner Lake Circle, #8202  
Orlando, FL 32821

Citizenship: USA

Post Office Address: 6622 Banner Lake Circle, #8202  
Orlando, FL 32824

Full name of sole inventor (or 3<sup>rd</sup> joint inventor): Subramanian Karthikeyan

Inventor's signature \_\_\_\_\_ Date \_\_\_\_\_

Residence: 2207 Doe Crossing Court  
Orlando, Florida 32837

Citizenship: India

Post Office Address: 2207 Doe Crossing Court  
Orlando, FL 32837

Full name of sole inventor (or 4<sup>th</sup> joint inventor): Joshua Jia Li

Inventor's signature Joshua Jia Li Date 6/30/04

Residence: ~~621 SE 121<sup>st</sup> Avenue~~ 5575 E. Evergreen Blvd, #4107  
J.L. Vancouver, WA ~~98683~~ 98661

Citizenship: USA

Post Office Address: P.O. Box 872204  
Vancouver, WA 98687

Full name of sole inventor (or 5<sup>th</sup> joint inventor): Isaiah O. Oladeji

Inventor's signature

*Isaiah O. Oladeji*

Date

*6/18/2004*

Residence: 1608 Cerulean Way  
Gotha, FL 34734

Citizenship: Nigeria

Post Office Address: 1608 Cerulean Way  
Gotha, FL 34734

Full name of 6<sup>th</sup> joint inventor: Kurt Geroqe Steiner

Inventor's signature

Date

Residence: 7603 Sandstone Drive  
Orlando, FL 32836

Citizenship: USA

Post Office Address: 7603 Sandstone Drive  
Orlando, FL 32836

Full name of sole inventor (or 7<sup>th</sup> joint inventor): Joseph Ashley Taylor

Inventor's signature

Date

Residence: 2546 Runyon Circle  
Orlando, Florida 32837

Citizenship: Nigeria

Post Office Address: 2546 Runyon Circle  
Orlando, FL 32837

**ATTACHMENT A**

Attorney Name(s):	<u>James H. Beusse</u>	Reg. No.:	<u>27,115</u>
	<u>Robert L. Wolter</u>		<u>36,972</u>
	<u>Enrique J. Mora</u>		<u>36,875</u>
	<u>David G. Maire</u>		<u>34,865</u>
	<u>Terry M. Sanks</u>		<u>45,069</u>

Telephone calls should be made to James H. Beusse, Esquire at:

Phone No.: (407) 926-7701

Fax No.: (407) 926-7720

Email: jbeusse@iplawfl.com

All written communications are to be addressed to:

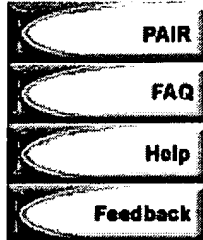
**JAMES H. BEUSSE, ESQUIRE**  
**BEUSSE BROWNLEE BOWDOIN & WOLTER, P.A.**  
**390 NORTH ORANGE AVENUE, SUITE 2500**  
**ORLANDO, FL 32801**



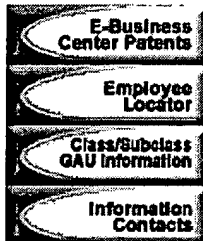
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## PATENT APPLICATION INFORMATION RETRIEVAL



## Other Links



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Search results for application number: 10/026,257			
Application Number:	10/026,257	Customer Number:	-
Filing or 371(c) Date:	12-21-2001	Status:	Abandoned – Failure to Respond to an Office Action
Application Type:	Utility	Status Date:	03-19-2004
Examiner Name:	PERALTA, GINETTE	Location:	ELECTRONIC
Group Art Unit:	2814	Location Date:	-
Confirmation Number:	7889	Earliest Publication No:	US 2003-0119305 A1
Attorney Docket Number:	Huang 3-8-3-2-2-25-5/7590	Earliest Publication Date:	06-26-2003
Class/ Sub-Class:	438/633	Patent Number:	-
First Named Inventor:	Robert Huang, Ocoee, FL (US)	Issue Date of Patent:	-
Title Of Invention:	Mask layer and dual damascene interconnect structure in a semiconductor device		

Select Search Option



File History	
Date	Contents Description
03-25-2004	Mail Abandonment for Failure to Respond to Office Action
03-19-2004	Abandonment for Failure to Respond to Office Action
12-01-2003	Request for Extension of Time - Granted
05-28-2003	Reference capture on IDS
11-05-2003	Mail Advisory Action (PTOL - 303)
11-03-2003	Advisory Action (PTOL-303)
10-11-2003	Date Forwarded to Examiner
09-24-2003	Amendment after Final Rejection
09-24-2003	Request for Extension of Time - Granted
05-28-2003	Mail Final Rejection (PTOL - 326)
05-23-2003	Final Rejection
03-27-2003	Date Forwarded to Examiner
03-24-2003	Response after Non-Final Action
03-24-2003	Information Disclosure Statement (IDS) Filed
12-19-2002	Mail Non-Final Rejection
12-16-2002	Non-Final Rejection
08-13-2002	Case Docketed to Examiner in GAU
07-31-2002	Application Dispatched from OIPE
07-25-2002	Application Is Now Complete

06-25-2002	Additional Application Filing Fees
06-25-2002	Applicant has submitted new drawings to correct Corrected Papers problems
05-23-2002	Correspondence Address Change
05-07-2002	Additional Application Filing Fees
05-07-2002	A statement by one or more inventors satisfying the requirement under 35 USC 115, Oath of the Applic
05-07-2002	Applicant has submitted new drawings to correct Corrected Papers problems
02-07-2002	Notice Mailed--Application Incomplete--Filing Date Assigned
01-28-2002	IFW Scan & PACR Auto Security Review
01-04-2002	IFW Scan & PACR Auto Security Review
12-21-2001	Initial Exam Team nn

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